



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 12 October 2009**

**14340/09**

**LIMITE**

**VISA 340  
COMIX 755**

**NOTE**

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from : Presidency  
to : Permanent Representatives Committee/Mixed Committee  
Council/Mixed Committee  
(EU-Iceland/Liechtenstein/Norway/Switzerland)

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Subject : **Programme of deployment of the VIS  
- Activities of the Group of Friends of the VIS**

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At its meeting on 23 September 2009, the Mixed Committee at Ministerial level took note of the information from the Presidency and the Commission on the state of play on the deployment of the Visa Information System (VIS). It was concluded that work would continue to solve certain difficulties, which had arisen, and that a new time schedule for the deployment of the VIS should be presented to the Council in October 2009.<sup>1</sup>

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<sup>1</sup> 12904/09 VISA 272 COMIX 634 and 13846/09 JAI 628 COMIX 717.

The Group of Friends of the VIS (FoVIS) met on 2 October 2009 in Stockholm. Following a detailed discussion it was concluded that:

- Despite significant efforts of all stakeholders, the information available involves too many uncertainties to form the basis for establishing a realistic and stable new time schedule for the purpose of the October 2009 JHA Council.
- It can however already be established that the start of operations of the VIS will be delayed beyond September 2010, because of certain problems in both the central system and at national level.
- Regarding the central system, more reliable information is expected to be available by 11 November 2009.
- Regarding the preparations at national level, more reliable information is also expected to be forthcoming.
- The FoVIS proposes to examine the situation again at a meeting of the FoVIS on 12 November 2009 and report to SCIFA on 13 November 2009 with a view to submitting a realistic and stable new time schedule to the JHA Council on 30 November and 1 December 2009 if possible.

As regards preparations at the central level, following the failure of the Commission's contractor to meet the system solution test (SST) criteria by 12 June 2009, the Commission had requested the contractor to indicate when realistically the SST criteria would be met. The contractor indicated 25 September 2009 as a realistic date for the completion of the SST, which the Commission set as a new deadline for meeting SST exit criteria. However, the contractor failed again to meet the SST criteria by that date and has submitted a plan of tasks for preparing for operational system tests, which concludes on 11 November 2009. The contractor has indicated that this plan implies that the operational system tests may start on 16 November 2009. The Commission considers that the contractor should be given this opportunity to put the development of the central system back on track. The Commission intends to take stock of the situation with the contractor on 11 November 2009 and to report on the situation in detail at the FoVIS meeting on 12 November 2009.

Concerning preparations at national level, at least 3 Member States now face difficulties. One of these 3 Member States will not be able to complete the national preparations before September 2010, and might need even more time. A definite schedule for that particular Member State should be available by mid-November at the latest. Once the new time schedule has been established, precise monitoring of progress in individual Member States will be performed by use of the so-called checklist.

The Commission has also informed delegations that it is in the process of taking measures to cash in substantial contractual penalties from the contractor for the delays which have occurred.

Some delegations referred to the budgetary and practical difficulties and the extra costs the delays in the deployment of the system may cause at national level. Reference was also made to the problems these delays may cause for the planning of actions under the Decision establishing the External Borders Fund.

FR asked to explore the possibility of pilot projects allowing to use the VIS infrastructure before the VIS starts its operations in accordance with the VIS Regulation and will provide a detailed proposal for further consideration.

SCIFA at its meeting on 9 October 2009 took note of the situation and agreed that it was not possible to submit a realistic and stable new time schedule at the October JHA Council.

*The Presidency on this basis invites the Permanent Representatives Committee/Mixed Committee/Council/Mixed Committee to take note of the above and to invite the Presidency and the Commission to submit a further report at the JHA Council on 30 November and 1 December 2009, including, if possible, a revised time schedule.*